

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

2015 FEB 18 AM 8:29

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY
DEPUTY

LOUIS ROUSSET,
PLAINTIFF,

v.

AT&T INC,
AND
YAHOO INC,

DEFENDANTS

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NO: A14CV0843LY
Jury

RESPONSE TO:

YAHOO INC, REPLY BRIEF IN SUPPORT OF ITS MOTION TO DISMISS AMENDED COMPLAINT

Plaintiff contends he never received a motion to dismiss January 16, 2015 ECF No. 39, from Yahoo Inc. Plaintiff would request of defendants to provide “proof of service” for plaintiffs signature stating plaintiff received said motion.

Plaintiff did receive a motion to dismiss from AT&T and Randall L. Stephenson on January 16, 2015 and plaintiff replied to this motion to dismiss as promptly as he could.

Plaintiff contends that Witliff and Cutter PLLC attorneys for AT&T and Mr. Stephenson where first Yahoo INC, s attorneys. Then Yahoo changed attorneys to Robert F. Huff and know plaintiff asserts Yahoo wants to be part of AT&Ts motion to dismiss for Witliff and Cutter.

Plaintiff has run into this same “issue” in regard to Yahoo INC, Marissa Mayers summons. Plaintiff spent innumerable hours responding to Wittliff and Cutter two “separate copies” for defendants Yahoo INC.s’ motion to dismiss” on November 12, 2014. Plaintiff assumed one copy was for Mayers and one copy was for Yahoo.

Furthermore Plaintiff spent numerous hours on Mayer “motion to dismiss” only to find out when defendant failed to respond in said motion above, defendant responded with “Improper Service of Summons” motion which this Court granted.

Plaintiff responded to “both” of these motions to dismiss in a timely manner where plaintiff sent certified mail Article # 7014 2120 0002 1807 2805 for Yahoo INC and # 7014 1820 0002 1034 1646 for Marissa Mayers to Attorneys Witliff and Cutter 1803 West avenue, Austin TX: 78753, certified mail receipt SEE exhibit A.

Plaintiff Yahoo and Mayers changing attorneys should not be plaintiffs fault for defendant’s negligence. Attorney Huff never contacted plaintiff by phone to inform plaintiff he was attorney for Mayers and Yahoo INC as did Witliff and Cutter, through phone calls and Motion pleadings.

Plaintiff was in contact with Attorney Witliff and Cutter, who contacted plaintiff by phone repeatedly to inform plaintiff of agreed upon extension time for filing motion and to remove plaintiff default against defendant Mayers. Plaintiff responded to Witliff and Cutter Yahoo motion to dismiss as their attorney s of record.

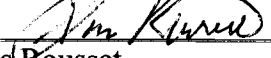
Attorney Huff was on the “agreed motion to stay briefing schedule” certificate of service and then he was removed. There were no specific details or pleadings to respond to “motion to dismiss” to be addressed to defendants new attorney, Mr. Huff.

Plaintiff would have responded to said motion if it would have received a motion to dismiss from Yahoo INC or Yahoo to “clarified” that Witliff and Cutter were “no longer” acting attorneys for Yahoo INC. Plaintiff contends that attorney Huff failed to correspond with Attorneys’ Witliff and Cutter when plaintiff responded to Mayers and Yahoos motion to dismiss that had a return address of Wittliff and Cutter. Plaintiff categorically states he never received a “motion to dismiss” from Yahoo INC on January 16, 2015, ECF Nol. 39 only from Mr. Stephenson and AT&T INC.

Therefore plaintiff contends it is untimely and meritless for defendants to request a dismissal motion with prejudice pursuant to CV-7, where their dispositive motion was not unopposed. Plaintiff never received any motion to dismiss from Yahoo INC, and Attorney Huff for Yahoo INC is not listed on the certificate of service on AT&Ts, motion to dismiss January 16, 2015.

Dated: February 18, 2015
Sent certified postal mail:
Article #7014 2120 0002 1807 2898
701 First Ave Sunnyvale CA 94089
TO: Yahoo INC,
701 First Ave Sunnyvale CA 94089

Article #7014 2120 0002 1807 2898 is for plaintiffs response to “Defendants Yahoo INCs, “reply brief in support of its motion to dismiss” and for “default judgment motion”.

BY: 
Louis Rousset
Pro SE Counsel
11802 Hornsby St
Austin Texas 78753
512-833-936

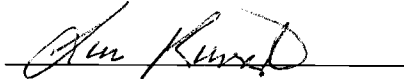
CERTIFICATE OF SERVICE

I, Louis Rousset, hereby certify that on February 18, 2015 a true and correct copy of the foregoing document was served by U.S. Postal certified mail upon the attorney of record for defendants:

Attorney of record Robert F. Huff, for Yahoo Inc, Ms. Mayers
ZWILLGEWN PPLC
300 N. LaSalle Street, Suite 4925
Chicago Ill, 60654
Sent certified postal mail: Article #7014 2120 0002 1807 2898

TO: Yahoo INC,
701 First Ave Sunnyvale CA 94089

Louis Rousset PRO-SE Counsel

A handwritten signature in black ink, appearing to read "Louis Rousset", is written over a horizontal line.

Louis Rousset

Article #7014 2120 0002 1807 2898 is for plaintiffs response to "Defendants Yahoo INCs, "reply brief in support of its motion to dismiss" and for "default judgment motion".

Exhibit A

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

YAHOO INC.
WILLIAMS CUTLER PILL
1803 WEST AVENUE
AUSTIN TX 78701

A. Signature

X *Del. 21*☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

11-3-14

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7014 2120 0002 1807 2805

PS Form 3811, July 2013

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MS. MAYOR YAHOO
WILLIAMS CUTLER PILL
1803 WEST AVENUE
AUSTIN TX 78753

A. Signature

X *Del. 21*☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

11-3-14

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7014 1820 0002 1034 1646

PS Form 3811, July 2013

Domestic Return Receipt

7014 2120 0002 1807 2805

U.S. Postal Service™

CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®

AUSTIN TX 78701

Postage	\$ 2.03	0153	Postmark Here
Certified Fee	\$3.30	02	
Return Receipt Fee (Endorsement Required)	\$2.70		
Restricted Delivery Fee (Endorsement Required)	\$0.00		
Total Postage & Fees	\$ 8.03	12/02/2014	

Sent To: YAHOO INC. c/o WILLIAMS CUTLER PILL
 Street & Apt. No., or PO Box No.: 1803 WEST AVENUE
 City, State, ZIP+4: AUSTIN TX 78701

PS Form 3811, July 2013

See Reverse for Instructions

7014 1820 0002 1034 1646

U.S. Postal Service™

CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®

AUSTIN TX 78701

Postage	\$ 2.03	0153	Postmark Here
Certified Fee	\$3.30	02	
Return Receipt Fee (Endorsement Required)	\$2.70		
Restricted Delivery Fee (Endorsement Required)	\$0.00		
Total Postage & Fees	\$ 8.03	12/02/2014	

Sent To: MS. MAYOR / WILLIAMS CUTLER PILL
 Street & Apt. No., or PO Box No.: 1803 WEST AVENUE
 City, State, ZIP+4: AUSTIN TX 78701

CLEARING DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY KW
1965

JURY

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

2014 DEC -3 AM 8:48
CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *kw*

LOUIS ROUSSET,

Plaintiff,

vs.

AT&T INC,
AND
YAHOO, INC,

Defendant's

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Civil Action No. A14CV0843LY

JURY

REBUTTLE MOTION TO:

"DEFENDANTS YAHOO INC, MOTION TO DISMISS"

Come NOW Pro-Se Plaintiff Louis Rousset, and moves this Honorable Court to proceed with a trial by jury; where plaintiff will show subject matter jurisdiction and prove that plaintiffs cause of action gives rise to article III standing through an AT&T's employees assertions.

Plaintiff would request of this Honorable Court to put aside Defendants request for a dismissal on 12(b)(1), Rule 12(b)(2) and rule 12(b)(6) in order to allow plaintiff to provide documents that will confirm article III standing.

Plaintiff would also amend his cause of action in order to claim Mandamus jurisdictional statute 65 for Section 1702, 501 privilege, Privacy Act of 1974 (5 U.S.C. 552a); in the hope that this honorable Court would see fit to apply these statutes to AT&T/Yahoo.

Furthermore, plaintiff would request of this honorable Court a pre-trial conference. To establish plaintiffs claims in regard to adhesion contract, mandatory arbitration, breach of contract, and violations of plaintiffs due process rights, where Yahoo/AT&T have added a clause that plaintiff is barred from any "non-tangible" claims against AT&T and Yahoo. Where